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April 5, 2016

VIA CERTIFIED MAIL AND EMAIL

USAFA FOIA Requester Service Center
2304 Cadet Drive, Suite 3700
USAF Academy, CO 80840-5001

Re: FOIA Request on Behalf of Mr. Joseph L. Bunecke (Lt Col, Ret.)

Dear Sir/Madam:

This is in response to your 31 March 2016 letter closing your actions on my original 21 July 2015 Freedom of Information Act (FOIA) request on behalf of my client, Lt Col Joseph L. Bunecke, USAF, Ret. When we spoke over the phone on 17 March 2016 regarding this matter, I told you that I would attempt to make my request more specific to facilitate a response by your office. I did not consent to any action closing the case, and respectfully request that it be reopened based upon my amended request below. Please let me know if these changes will be sufficient to permit your speedy reply on behalf of the Academy. Lt Col Bunecke and I would also be willing to meet with your office personally to discuss this request and answer any additional questions that you may have.

The documents and information I am requesting are in the possession of the Department of the Air Force relate to the sexual assault on Lt Col Bunecke's daughter, Kirsten Bunecke, at or near the USAF Academy in January 2013. I am therefore addressing this request to your office to expedite processing. Pursuant to paragraph C1.4.2 of DOD Directive 5400.7/Air Force Supplement, *DOD Freedom of Information Act Program*, 24 June 2002, implementing the Freedom of Information Act, 5 U.S.C. 552 and AFI 33-332, *Air Force Privacy Act Program*, 29 January 2004, implementing the Privacy Act, 5 U.S.C. 552a, I hereby request the following information from USAFA:

1. For calendar years 2013 through 2015, all regulations and policy guidance in effect relating to cadet disciplinary actions and disenrollments for sexual misconduct.
2. For calendar years 2013 through 2015, all regulations and policy guidance in effect relating to late graduation.
3. From 1 January 2013 to the present, any and all regulations, policies, and guidance containing processes and procedures the Academy had in place, has put in place, or has amended to address reports of sexual assault and threats of violence against USAFA cadets. Included in

EXHIBIT C

Holland & Hart LLP

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this request is a specific request for the USAFA Sexual Assault Prevention and Response Strategic Plan for calendar years 2013 through 2016, and all amendments thereto. Also included in this request are all internal policies and guidance applicable to cadet access to firearms generally, and when suspected of an offense or under investigation..

4. For calendar years 2013 to the present, all information relating to sexual assault training programs and procedures at USAFA. Included in this request are AOC training programs/courses and the syllabus from AOC's Master Course.

5. For calendar years 2012 to the present, all sexual assault surveys and responses, as well as all recommendations and actions resulting therefrom, including all "lessons learned" and analysis of compliance with DODI 6495.02.

6. The Military Service Academy Report to Congress for 2013-2014, dated February 2015, and all internal memoranda, staff summary sheets, forwarding documentation and attachments related thereto, including any references to sexual assault cases at USAFA.

7. For calendar years 2013 to the present, all USAFA IG and DOD IG reports regarding or related to the processing of sexual assault complaints and threats of violence at USAFA, including recommendations for change. Include all policies and procedures related to the involvement of the chain of command and relevant OPRs. Please refer this request to the appropriate release authority if not your office.

The above requests are made in the spirit of DOD 5400.7-R which emphasizes DOD policy in favor of disclosure (DOD5400.7-R_AFMAN 33-302, paragraph C1.5.2., October 21, 2010) and strongly discouraging procedural roadblocks to disclosure (Id., paragraph C1.5.3.). In this regard, it is incumbent upon the Air Force to comply with the spirit as well as the intent of the FOIA. In this case, DOD 5400.7-R and AFMAN 33-302, paragraphs C1.3.1.1. mandate that the benefit of the doubt be given to the requester. This includes openness with the public, especially where the public's interest in the information is paramount. Such an interest is clearly present where the safety and security of its service academy cadets is implicated.

Due to the nature of this request, Lt Col Bunecke respectfully requests that all search and copying fees be waived because his request is in the public interest and likely to contribute significantly to public understanding of the operations or activities of the Department of Defense and its components. Without question, his request falls squarely within the tests enumerated in DOD 5400.7-R, paragraph C6.1.4.3.1 to determine the public interest fee exception for FOIA requests.



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Please do not hesitate to contact the undersigned with any questions you may have regarding this appeal.

Sincerely yours,

A handwritten signature in blue ink that reads "Charles R. Lucy by off".

Charles R. Lucy
Of Counsel
for Holland & Hart LLP

CRL/cal

cc: Joseph L. Bunecke, Lt Col (USAF, Ret.)

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